



Department of Justice

**United States Attorney David L. Huber
Western District of Kentucky**

FOR IMMEDIATE RELEASE
TUESDAY, JULY 30, 2007
WWW.USDOJ.GOV/USAO/KYW

CONTACT: SANDY FOCKEN
PHONE: (502) 582-5911
FAX: (502) 582-5097

MARSHALL COUNTY MAN PLEADS GUILTY TO STEALING \$17,798 SOCIAL SECURITY FUNDS

PADUCAH, KY - **Rodger Dale Higgins**, age 38, of Benton, Kentucky, pled guilty to an Indictment charging him with conversion of social security benefits of another person for his own use, U.S. Attorney David L. Huber announced today.

Higgins admitted that between October 2003 and February 2006, in his capacity as representative payee for another person, he received social security benefits for the other person, but knowingly and willfully converted the payments to a use other than for the use and benefit of the other person. The amount of the benefits illegally converted is \$17,798.

In July 1995, Higgins applied for Social Security benefits on behalf of his minor son and, at his request, was selected as the representative payee of the benefits for his minor son. Applicable regulations, policies, and procedures of the Social Security Administration provide for the selection of a representative payee when it is necessary for benefit payments to be handled on behalf of a beneficiary if the beneficiary is a minor. The application for Social Security benefits that Higgins signed provided that, as representative payee, he would notify the Social Security Administration if he no longer had responsibility for the care and welfare of the child for whom he was applying, and if the child for whom he was filing left his care or custody, or changed address.

In October 2003, the minor son left the custody of Higgins and moved out of Kentucky,

to be in the care and custody of a family member. In November 2003, Higgins entered into an Agreement with the family member that she would assume the legal and physical guardianship of his minor son.

From October 2003 until February 2006, Higgins failed to notify the Social Security Administration of the change of address and custody of his minor son, knowing that he had the legal duty to notify the Social Security Administration about those changes. During that same time period, Higgins, as representative payee, continued to receive the monthly Social Security benefits for his minor son, and converted and used those benefits for his own personal benefit, rather than for the use and benefit of his minor child, knowing that he had the legal duty to use such benefits for his minor child.

The maximum potential penalties are five years imprisonment, a \$250,000 fine, or both, and supervised release for a period of three years.

The case was prosecuted by Assistant United States Attorney David Sparks and it was investigated by the Office of the Inspector General of the Social Security Administration.

Higgins is scheduled to be sentenced before Judge Thomas B. Russell on December 11, 2007, at 11:30 a.m., in Paducah, Kentucky.

###